

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), Defendant, Steven Madden Ltd. (“Steve Madden”), respectfully moves to dismiss the Complaint of Plaintiff, Andrew Wilkins, for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted. This Court lacks subject matter jurisdiction to entertain this matter as Plaintiff lacks Article III standing to sue Steve Madden as he has failed to articulate a sufficiently concrete and particularized injury and as he has failed to establish that the injury would be redressed by judicial relief. Plaintiff has failed to state a claim upon which relief may be granted as the law is clear that website are not places of public accommodation subject to Title III of the Americans with Disabilities Act (“ADA”). For these reasons and the reasons set forth more fully in the accompanying

Memorandum of Law, Steve Madden respectfully requests that the Court dismiss Plaintiff's Complaint with prejudice.

Respectfully submitted,

**JACKSON LEWIS, P.C.**

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Dated: May15, 2024

**CERTIFICATE OF SERVICE**

I certify that on May 15, 2024, the foregoing was served on the following via the Court's ECF system:

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